IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 9TH NOVEMBER 2006 / 18TH KARTHIKA 1928

Con.Case(C).No. 1387 of 2006(S)

AGAINST THE JUDGEMENT/ORDER IN WPC.7806/2005 Dated 22/07/2005

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PETITIONER

GEORGE JOSE,
S/O.JOSEPH, AGED 38 YEARS,
KOTTARATHIL HOUSE, POST POTTASSERY,
MANNARKKAD TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.C.K.RAMAKRISHNAN

RESPONDENTS 4TH RESPONDENT

SRI.K.RAVINDRANATHAN,
S/O.K.M.KRISHNAN, AGED 52 YEARS,
SECRETARY, MANNARKKAD CO-OP. AGRICULTURAL AND
RURAL DEVELOPMENT BANK LTD.,
POST MANNARKKAD, PALAKKAD DISTRICT.

BY

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 09/11/2006,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J

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Cont.Case No. 1387 Of 2006

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Dated this the 9th day of November, 2006

J U D G M E N T

By Annexure A1 judgment, as corrected by Annexure A2 order the writ petition filed by the petitioner herein was disposed of with a direction that Ext.P4 therein shall be considered by the 4th respondent bank in a time bound manner. All other reliefs were refused. The said judgment was so issued since the request on behalf of the writ petitioner was confined to such a prayer when the writ petition came up for consideration after completion of pleadings.

2. The complaint of the petitioner in this contempt court case is that following Ext.P4, which is Annexure A3 herein, the bank issued Annexure A4 agreeing to extend the benefits of the One Time Settlement Scheme, but has later withdrawn from the said stand by issuing Annexure A6. According to the learned counsel for the petitioner, Annexure A6 is an unsustainable decision and the bank, in view of the Annexure A4 is estopped from resiling from the offer to extend One Time Settlement Scheme. He urges that the scope of the term "consideration" has been dilated upon by the Apex Court on

different occasions and what is reflected by Ext.A6 does not amount to a consideration of Annexure A3 representation. I am afraid that such contentions cannot be gone into, in the proceedings under the Contempt of Courts Act,1971. This case is accordingly dismissed without prejudice to the right, if any, of the petitioner to challenge Annexure A6 before the competent authority in accordance with law.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

SJ